

## REMARKS

### **I. Introduction**

Claims 9 to 18 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgement of the claims for foreign priority and the indication all of the certified copies of the priority documents have been received.

### **II. Rejection of Claims 9 to 14 and 16 to 17 Under 35 U.S.C. § 102(b)**

Claims 9 to 14 and 16 to 17 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,961,877 ("Robinson"). Applicant respectfully submits that Robinson does not anticipate the pending claims for at least the following reasons.

Claim 9 relates to a method comprising, in relevant part, detecting at least one of germanium and germanium compounds during an etching procedure, and controlling the etching procedure as a function of the detection. The Office Action refers to Robinson as allegedly disclosing the foregoing detecting and controlling. Robinson, however, does not disclose, or even suggest, detecting germanium or germanium compounds. Robinson describes the etching characteristics of lightly doped silicon and an alloy containing silicon, germanium and carbon. According to Robinson, the etching characteristics are different in lightly doped silicon and in the Si-Ge-C alloy. The foregoing merely describes a lower etching rate for the different materials, and not a detection of any germanium compounds. If, as the Office Action asserts, Robinson detects anything, it is a detection of a lower etching rate, not a detection of germanium compounds.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

As such, Robinson does not disclose, or even suggest, detecting at least one of germanium and germanium compounds during an etching procedure as set forth in claim 9. Therefore, Robinson does not anticipate claim 9.

Claims 10 to 14 depend from claim 9 and therefore incorporate all of the features of claim 9. For at least the reasons set forth above with respect to claim 9, Robinson does not disclose, or even suggest, every feature of claim 9. Therefore, Robinson does not anticipate dependent claims 10 to 14.

Claim 16 relates to a diaphragm sensor unit comprising a flat diaphragm for implementing a sensor element structure for a sensor. The Office Action refers to the Si-Ge-C layer of Robinson as disclosing this feature. Robinson, however, does not disclose, or even suggest, any component function to the Si-Ge-C layer; it is not disclosed or suggested to be used as a diaphragm layer. As such, Robinson does not anticipate claim 16.

Claim 17 depends from claim 16 and therefore incorporates all of the features of claim 16. For at least the reasons set forth above with respect to claim 16, Robinson does not disclose, or even suggest, every feature of claim 16. Therefore, Robinson does not anticipate dependent claim 17.

Withdrawal of the present rejection is respectfully requested.

### **III. Rejection of Claim 15 Under 35 U.S.C. § 103(a)**

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Robinson and U.S. Patent No. 6,908,846 ("McMillin"). Applicant respectfully submits that the combination of Robinson and McMillin does not render unpatentable claim 15 for at least the following reasons.

Claim 15 depends from claim 9 and therefore incorporates all of the features of claim 9. For at least the reasons set forth above with respect to claim 9, Robinson does not disclose, or even suggest, all of the features of claim 9. McMillin does not cure the critical deficiencies of claim 9. As such, the combination of Robinson and McMillin does not render unpatentable independent claim 9, or dependent claim 15.

Withdrawal of the present rejection is respectfully requested.

### **IV. Rejection of Claim 18 Under 35 U.S.C. § 103(a)**

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Robinson and U.S. Patent No. 4,093,933 ("Wilner"). Applicant respectfully

submits that the combination of Robinson and Wilner does not render unpatentable claim 18 for at least the following reasons.

Claim 18 depends from claim 16 and therefore incorporates all of the features of claim 16. For at least the reasons set forth above with respect to claim 16, Robinson does not disclose, or even suggest, all of the features of claim 16. Wilner does not cure the critical deficiencies of claim 16. As such, the combination of Robinson and Wilner does not render unpatentable independent claim 16, or dependent claim 18.


Withdrawal of the present rejection is respectfully requested.

**V. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,

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